(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No.1267 of 2002

Petitioner Rajender Prasad Gupta, S/o Shri R.R.Gupta, Aged about 46 years, R/o 1147, Napier Town, Jabalpur M.P.

versus

Respondents

1. State of Chhattisgarh, Through Secretary, Deptt. of Forest and Culture, Raipur, Chhattisgarh
2. Conservator of Forests, Durg Circle, Durg Chhattisgarh
3. Divisional Forest Officer, Kheragarh Forest Division, Kheragarh, Chhattisgarh

Present : Smt. Renu Kochar, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER

(Passed on 21st March, 2007)

The petitioner is a businessman. He had participated in an auction held by the forest authorities. He was a successful bidder and his bid was accepted by the authorities by passing an order dated 8-5-2002. Since the petitioner did not take the auctioned material after acceptance of his bid, the respondents have forfeited the earnest money deposited by him. Being aggrieved by this action of the respondents, the petitioner is before this Court in this writ petition filed under Article 226 of the Constitution of India for redressal of his grievance.

(2) Learned counsel appearing for the petitioner would submit that the respondents have not conducted the auction in accordance with the forest manual and, therefore, the order passed by the respondents dated 8-5-2002 requires to be set aside. The learned counsel also submits that the earnest money deposited by the petitioner has been illegally forfeited by the

respondents and, therefore, a direction requires to be issued to the respondents to refund the same.

(3) Having heard learned counsel appearing for the petitioner, I am of the view that the contentions canvassed by him have no merit. Admittedly, the petitioner is a businessman. With his eyes wide open, he participated in the public auction. If for any reason, the respondents were trying to play fraud on the petitioner and the said forest manual was not shown to him before the auction, the petitioner ought not to have participated in the auction. Now, he cannot turn back with a plea that the auction was not held in accordance with the forest manual. Even otherwise, the petitioner is a highest bidder and in accordance with his bid he was supposed to sign the bid-sheet in respect of the lot knocked down in his favour and take the said lot under clause 9 of the Notice of Auction Sale of Bamboos from various Coupe Depot of Khairagarh Division issued by the office of the Divisional Forest Officer, Khairagarh. If the same is not done by the petitioner under the said clause, the respondents would have liberty to forfeit the earnest money deposited by the petitioner. That has been done by the respondents in the instant case. I cannot take exception to the impugned order passed by the respondents dated 8-5-2002 and direct the respondents to refund the earnest money deposited by the petitioner.

(4) In that view of the matter, the writ petition requires to be and is accordingly rejected. Ordered accordingly.

Sd/-
Chief Justice